

HOUSE BILL REPORT

HB 2986

As Reported by House Committee On:
Education

Title: An act relating to student privacy and directory information.

Brief Description: Minimizing the release of information in student directories.

Sponsors: Representatives Schual-Berke, Quall, Hunt, Lantz, Darneille, Kenney, Nixon, Hasegawa and Santos.

Brief History:

Committee Activity:

Education: 1/30/06, 2/2/06 [DPS].

Brief Summary of Substitute Bill

- Requires school districts to give students, parents, and guardians notice of their right to "opt-out" of having the student's directory information released to recruiters.
- Requires school districts to withhold student directory information from all recruiters, or specific categories of recruiters, upon request by the student, parent, or guardian.
- Prohibits schools from releasing student directory information after the last day of the school year to the 45th day of the next school year without express consent of the student, parent, or guardian.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Haigh, Hunter, McDermott, Santos, Tom and Wallace.

Minority Report: Do not pass. Signed by 5 members: Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Priest and Shabro.

Staff: Sarah Ream (786-7303).

Background:

Federal law requires schools and school districts that receive federal funds to provide, upon the request by a military recruiter or institution of higher education, access to secondary students names, addresses and telephone listings.

However, the federal law also provides that a student or parent may "opt-out" of having the student's information released to recruiters. To "opt-out," the student or parent must notify the school that the student's information is not to be released. The school is directed to comply with the request.

Summary of Substitute Bill:

By September 1, 2006, every school district must have adopted a policy that requires a separate notice to be given to high school students and their parents or guardians regarding their right to "opt-out" of having the student's directory information released to various categories of recruiters.

The notice provided by the school district must do three things. First, it must be provided in English and in any other languages the school normally uses to send district-wide notices to students, parents, and guardians. Second, the notice must distinguish between categories of recruiters. At a minimum, the categories must include (1) higher education recruiters and employers and (2) military recruiters. And third, the notice must inform students, parents, and guardians that if they do not request the student's directory information be withheld by the 30th day of the new school year, the school may release the student's information to a recruiter if requested to do so. The school district must send this notice to parents or guardians and students each new school year.

A district may not release student directory information to recruiters after the last day of the school year or before the 45th day of the next school year, unless the district has received express written consent from the parent, guardian or student to do so.

"Directory information" is defined to include a student's name, address, telephone listing, date and place of birth, major field of study, participation in activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent school attended. "Recruiter" is defined to mean anyone who solicits a student to attend a particular educational institution, work for a particular employer, or join the military.

Substitute Bill Compared to Original Bill:

The original bill required districts to have procedures for taking appropriate action with respect to recruiters who engage in dishonest, unscrupulous, or deceptive recruiting practices. The substitute eliminates this provision.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) The ability to "opt out" allows parents to protect their children's privacy. Under federal law, districts must allow parents and students to "opt out" of having the student's directory information released to recruiters. However, some districts do not make it easy for students and parents to "opt out." This bill will ensure that districts have consistent policies. Also, some districts have an all or nothing policy. If a student or parent chooses to opt out of sharing information with one category of recruiter, the school will not share information with any recruiters, even if this was not the intention of the parent or child.

People expect to have a higher level of privacy than they did in the past. Having the notice of the right to opt out be separate from other notices sent to parents is important, because even the most engaged parents sometimes miss notifications given the tremendous amount of paper work that is sent home at the beginning of the school year. High school is one of the last times that parents have to guide their students, so it is important that parents be kept informed.

(With concerns): The bill should include a provision that school districts take appropriate action with respect to recruiters who use dishonest, unscrupulous, or deceptive practices. If a person tells a commercial recruiter or telemarketer not to call, they will usually stop. However, military recruiters do not always honor such requests. Also, districts should be required to ask for the "opt out" on the emergency contact card. Districts that do this get a better response from parents compared to when the opt out is included on another form.

Testimony Against: None.

Persons Testifying: (In support) Representative Shual-Berke, prime sponsor; Mary Kenfield, Washington State Parent Teacher Association; and Shelley Kloba.

(With concerns) Roger Kluck, Friends Committee on Washington Public Policy.

Persons Signed In To Testify But Not Testifying: None.